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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Chile, Ecuador, Guatemala,* Honduras,* Mexico, Montenegro,* Paraguay,* Peru, Ukraine: draft resolution

39/... Human rights and indigenous peoples

The Human Rights Council,

Recalling all relevant General Assembly, Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples,

Reaffirming its support to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007,

Recognizing that, since its adoption, the United Nations Declaration on the Rights of Indigenous Peoples has positively influenced the drafting of several constitutions and statutes at the national and local levels and contributed to the progressive development of international and national legal frameworks and policies as it applies to indigenous peoples,

Recalling the adoption in September 2014 of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[1]

Appreciating the current efforts towards the promotion, protection and fulfilment of the rights of indigenous peoples, recalling the commitment made by the General Assembly at the World Conference to consider ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, and welcoming Assembly resolution 71/321 of 8 September 2017,

Acknowledging the participation of indigenous peoples' representatives and institutions in the meetings of various United Nations organs and their subsidiary bodies, in particular the Human Rights Council and the Expert Mechanism on the Rights of Indigenous Peoples,

Acknowledging also the study of the Expert Mechanism entitled "Free, prior and informed consent: a human rights-based approach",[2] and encouraging all parties to consider

* State not a member of the Human Rights Council.

[1] General Assembly resolution 69/2 of 22 September 2014.

[2] A/HRC/39/62.

the examples of good practices and recommendations included in the study as practical advice on how to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples,

Taking note of the report of the Special Rapporteur on the rights of indigenous peoples,[3] noting with concern her findings with regard to attacks against and the criminalization of indigenous human rights defenders and the prevention and protection measures available, and calling upon all States to consider the recommendations contained in the report,

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, young persons, elderly persons and persons with disabilities and to intensify efforts to prevent and eliminate violence and multiple and intersecting forms of discrimination in this regard, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the World Conference,

Recalling the adoption of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) by the International Labour Organization, and its important contribution to the promotion and protection of the rights of indigenous peoples,

Recognizing that indigenous peoples are among the first to face the direct consequences of climate change owing to their dependence upon and close relationship with the environment and its resources, and welcoming the role of indigenous peoples in achieving the objectives of the United Nations Framework Convention on Climate Change, the Paris Agreement and the targets and goals of the 2030 Agenda for Sustainable Development,

Bearing in mind the importance of the empowerment and capacity-building of indigenous women and young persons, including their full and effective participation in decision-making processes in matters that affect them directly, including policies, programmes and resources, where relevant, that target the well-being of indigenous women, children and young persons, in particular in the areas of health, education, employment and the transmission of traditional knowledge, languages and practices, and the importance of taking measures to promote awareness and understanding of their rights,

1. *Acknowledges* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,[4] and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of indigenous peoples containing information on the relevant developments in human rights bodies and mechanisms and the activities undertaken by the Office of the High Commissioner at headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration;

2. *Takes note* of the work of the Special Rapporteur on the rights of indigenous peoples, including the official visits made and her reports, and encourages all Governments to respond favourably to her requests for visits;

3. *Welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, including its annual report,[5] and its intersessional activities, and requests the Office of the High Commissioner to ensure timely translation in all official languages of the United Nations and distribution of these reports for the Council and pre-session translation of the studies and reports of the Expert Mechanism, in accordance with Council resolution 33/25 of 30 September 2016;

4. *Strongly encourages* States to participate actively in the sessions of the Expert Mechanism and to engage in dialogue with it, including during its intersessional activities;

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[3] A/HRC/39/17.
[4] A/HRC/39/37.
[5] A/HRC/39/68.

5. *Acknowledges* the efforts of indigenous peoples, States and the Expert Mechanism, in the exercise of its mandate, to assist by facilitating dialogue, when agreeable to all parties, in order to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples at the national and subnational levels, and encourages requests for technical assistance to the Expert Mechanism;

6. *Notes* that the next study of the Expert Mechanism, to be finalized by its twelfth session, will focus on the theme of indigenous peoples, migration and borders, and also notes that the Expert Mechanism will prepare a report on the theme of recognition, reparation and reconciliation;

7. *Encourages* States and all relevant academic institutions, indigenous peoples' institutions and representatives, as well as the United Nations Educational, Scientific and Cultural Organization, as the lead agency for the International Year of Indigenous Languages, to participate actively in the organization and implementation of the activities relating to the Year in 2019 and to uphold the spirit of the Year by taking measures to draw attention to the critical loss of indigenous languages and the need to preserve, revitalize and promote them;

8. *Decides*, in accordance with paragraph 14 of Human Rights Council resolution 18/8 of 29 September 2011, that, in view of the International Year of Indigenous Languages in 2019, the theme of the annual half-day panel discussion on the rights of indigenous peoples during the forty-second session of the Council will be on the promotion and preservation of indigenous languages, and requests the Office of the High Commissioner to make the discussions fully accessible to persons with disabilities, and to prepare a summary report on the discussion and to submit it to the Council prior to its forty-fourth session;

9. *Also decides*, in accordance with paragraph 14 of Human Rights Council resolution 18/8, that the theme of the annual half-day panel discussion on the rights of indigenous peoples to be held during the forty-fifth session of the Council will be on the protection of indigenous human rights defenders, and requests the Office of the High Commissioner to make the discussions fully accessible to persons with disabilities, and to prepare a summary report on the discussion and to submit it to the Council prior to its forty-seventh session;

10. *Welcomes* the proposal by the Expert Mechanism to the Human Rights Council that further efforts be made to facilitate the participation of indigenous peoples' representatives and institutions in the work of the Council, in particular the dialogue with the Expert Mechanism and the Special Rapporteur and in the annual half-day discussion on the rights of indigenous peoples, and also welcomes the encouragement of the General Assembly to the relevant United Nations bodies, in accordance with their respective rules of procedure, to facilitate the participation of indigenous peoples' representatives and institutions in relevant meetings on issues affecting them;

11. *Decides* to hold a half-day intersessional interactive dialogue, with the participation of the President of the General Assembly, on ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of the Human Rights Council on issues affecting them and on the first day of the twelfth session of the Expert Mechanism, requests the Office of the High Commissioner to make the interactive dialogue fully accessible to persons with disabilities, and to prepare a summary report thereon for submission to the Council prior to its forty-fourth session, and recommends that the Assembly consider that report in the ongoing process to promote the full and effective participation of indigenous peoples in the work of the United Nations;

12. *Encourages* States and the relevant agencies and entities of the United Nations system to support the Secretary-General in holding timely regional consultations, including through the regional commissions, as appropriate, in order to seek input from indigenous peoples from all regions of the world on the measures necessary to enable the participation of indigenous peoples' representatives and institutions in meetings of the relevant United Nations bodies on issues affecting them;

13. *Also encourages* States to give due consideration to the rights of indigenous peoples and the multiple and intersecting forms of discrimination faced by indigenous peoples and individuals in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development and in the formulation of relevant international and regional programmes, as well as national action plans, strategies and programmes, applying the principle of leaving no one behind;

14. *Encourages* the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism to strengthen their ongoing cooperation and coordination and ongoing efforts to promote the rights of indigenous peoples, the United Nations Declaration on the Rights of Indigenous Peoples, including the follow-up to the World Conference, and invites them to continue to work in close cooperation with all Human Rights Council mechanisms within their respective mandates;

15. *Reaffirms* that the United Nations treaty bodies are important mechanisms for the promotion and protection of human rights, and encourages States to give serious consideration to their recommendations, including those regarding indigenous peoples;

16. *Welcomes* the contribution of the universal periodic review to the realization of the rights of indigenous peoples, encourages effective follow-up to accepted review recommendations concerning indigenous peoples, and invites States to include, as appropriate, information on the situation of the rights of indigenous peoples, including measures taken to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples during the review;

17. *Calls upon* States to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples by adopting measures to pursue its objectives in consultation and cooperation with indigenous peoples;

18. *Calls upon* States that that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization to consider doing so;

19. *Welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in advancing indigenous issues, and recognizes the importance for such institutions of developing and strengthening their capacities, as appropriate, to fulfil that role effectively;

20. *Encourages* States, according to their relevant national context and characteristics, to collect and disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographic location or other factors, as appropriate, in order to monitor and improve the impact of development policies, strategies and programmes aimed at improving the well-being of indigenous peoples and individuals, to combat and eliminate violence and multiple and intersecting forms of discrimination against them and to support work towards the achievement of the Sustainable Development Goals and the 2030 Agenda;

21. *Also encourages* States to work with indigenous peoples to strengthen technologies, practices and efforts related to addressing and responding to climate change, and recognizes the importance of the Local Communities and Indigenous Peoples Platform for the exchange of experience and the sharing of best practices on mitigation and adaptation in a holistic and integrated manner;

22. *Welcomes* the agreed conclusions of the Commission on the Status of Women adopted at its sixty-first session, in which the Commission called for measures to be taken to promote the economic empowerment of indigenous women, including by ensuring access to quality and inclusive education and through meaningful participation in the economy by addressing the multiple and intersecting forms of discrimination and barriers they face, including violence, and to promote their participation in relevant decision-making processes at all levels and in all areas, while respecting and protecting their traditional and ancestral knowledge, and noting the importance for indigenous women and girls of the United Nations Declaration on the Rights of Indigenous Peoples, and

encourages States to give serious consideration to the above-mentioned recommendations, as appropriate;

23. *Also welcomes* the work of the United Nations Indigenous Peoples Partnership and the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, and invites States and other potential donors to support it;

24. *Urges* States and invites other public and/or private actors or institutions to contribute to the United Nations Voluntary Fund for Indigenous Peoples as an important means of promoting the rights of indigenous peoples worldwide and within the United Nations system;

25. *Decides* to continue its consideration of this question at a future session, in conformity with its annual programme of work.